



# **Mineral Resources (Aurukun Bauxite Resource) Amendment Bill 2016**





Queensland

# Mineral Resources (Aurukun Bauxite Resource) Amendment Bill 2016

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**2016**

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**A Bill**

for

**An Act to amend the *Mineral Resources Act 1989* for particular purposes**

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	<b>The Parliament of Queensland enacts—</b>	1
<b>Clause 1</b>	<b>Short title</b>	2
	This Act may be cited as the <i>Mineral Resources (Aurukun Bauxite Resource) Amendment Act 2016</i> .	3 4
<b>Clause 2</b>	<b>Act amended</b>	5
	This Act amends the <i>Mineral Resources Act 1989</i> .	6
<b>Clause 3</b>	<b>Amendment of s 231A (Application of pts 1 and 2)</b>	7
	(1) Section 231A(3), ‘194A,’—	8
	<i>omit.</i>	9
	(2) Section 231A(3), ‘223,’—	10
	<i>omit.</i>	11
<b>Clause 4</b>	<b>Amendment of s 231G (Conditions of mineral development licence (194))</b>	12 13
	(1) Section 231G(1), before paragraph (a)—	14
	insert—	15
	(aa) a condition that the holder must—	16
	(i) comply with the mandatory provisions of the land access code to the extent it applies to the holder; and	17 18 19
	(ii) ensure any other person carrying out an authorised activity for the mineral development licence complies with the mandatory provisions of the land access code; and	20 21 22 23 24
	(2) Section 231G(1)(h), ‘and other mining legislation’—	25
	<i>omit, insert—</i>	26

	, other mining legislation and the At Risk agreement	1 2
<b>Clause 5</b>	<b>Omission of s 231K (Review of decisions)</b>	3
	Section 231K—	4
	<i>omit.</i>	5
<b>Clause 6</b>	<b>Amendment of s 318AAA (Application of pts 1 and 2)</b>	6
	Section 318AAA(3), from ‘248’ to ‘278A,’—	7
	<i>omit, insert—</i>	8
	248 to 251, 266, 271A(1)(c), 271B, 272, 273, 275, 276,	9 10
<b>Clause 7</b>	<b>Amendment of s 318AAB (Only eligible person can apply for and hold mining lease (233))</b>	11 12
	(1) Section 318AAB(1)—	13
	<i>omit, insert—</i>	14
	(1) A person (an <i>applicant</i> ) may apply for a mining lease under this part only if—	15 16
	(a) the applicant is an eligible person; and	17
	(b) the applicant holds a mineral development licence to all the land proposed to be the subject of the mining lease.	18 19 20
	(1A) A mining lease under this part can only be held by an eligible person.	21 22
	(2) Section 318AAB(1A) to (3)—	23
	<i>renumber</i> as section 318AAB(2) to (4).	24
<b>Clause 8</b>	<b>Amendment of s 318AAD (Application for grant of mining lease (245))</b>	25 26
	(1) Section 318AAD(b)—	27

[s 8]

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<i>omit, insert—</i>	1
(b) describe all parcels of land the whole or part of which are the subject of the application and state the following for each parcel—	2 3 4
(i) the current use of the land;	5
(ii) whether the land is subject to erosion control works;	6 7
(iii) the names and addresses of the owners of the parcel and any other land to be used to access the parcel; and	8 9 10
(ba) identify, in the way prescribed by regulation, the boundaries of the land applied for; and	11 12
(bb) identify, in the way prescribed by regulation, the boundaries of any surface area of land within the boundaries identified in paragraph (c) to be included in the mining lease and specify the purpose for which that area is to be used; and	13 14 15 16 17 18
(bc) identify any improvements mentioned in section 238(1) on land identified under paragraph (d); and	19 20 21
(bd) give reasons why the mining lease should be granted in respect of the area and shape of the land described in the application; and	22 23 24
(2) Section 318AAD(d), ‘and (c)’—	25
<i>omit, insert—</i>	26
, (d) and (g)	27
(3) Section 318AAD—	28
<i>insert—</i>	29
(ea) be lodged; and	30
(4) Section 318AAD(ba) to (f)—	31
<i>renumber</i> as section 318AAD(c) to (k).	32



<b>Clause 9</b>	<b>Replacement of s 318AAE (Additional matters for application (252))</b>	1 2
	Section 318AAE—	3
	<i>omit, insert—</i>	4
	<b>318AAE Limits on consideration and disclosure of Aurukun agreement in Land Court hearing</b>	5 6
	(1) This section applies—	7
	(a) if the Land Court is hearing an application for a mining lease under section 268; and	8 9
	(b) despite sections 268(2) and 318AAA and any rule of court or other law.	10 11
	(2) In hearing the application, the Land Court may consider the relevant Aurukun agreement, but only to the extent necessary to decide whether the applicant for the mining lease is an eligible person to make the application and to hold the mining lease.	12 13 14 15 16 17
	(3) The relevant Aurukun agreement is not required to be disclosed to any person in relation to the hearing.	18 19 20
	<b>318AAEA Steps to be taken after application decided (271B)</b>	21 22
	If a mining lease application is rejected in whole or in part, the Minister must, as soon as practicable, give the applicant written notice stating the rejection and the reasons for it.	23 24 25 26
<b>Clause 10</b>	<b>Amendment of s 318AAH (General conditions of mining lease (276))</b>	27 28
	Section 318AAH(1)(I), ‘and other mining legislation’—	29
	<i>omit, insert—</i>	30
	, other mining legislation and the At Risk agreement	31 32

[s 11]

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<b>Clause 11</b>	<b>Insertion of new ch 15, pt 11</b>	1
	Chapter 15—	2
	<i>insert—</i>	3
	<b>Part 11</b>	4
	<b>Transitional provision</b>	5
	<b>for Mineral Resources</b>	6
	<b>(Aurukun Bauxite</b>	7
	<b>Resource) Amendment</b>	8
	<b>Act 2016</b>	8
	<b>838 Amended Act applies to existing mineral</b>	9
	<b>development licence applications</b>	10
	This Act, as in force after the commencement of	11
	the <i>Mineral Resources (Aurukun Bauxite</i>	12
	<i>Resource) Amendment Act 2016</i> , applies to an	13
	application for a mineral development licence	14
	made under chapter 5, part 2 whether the	15
	application was made before or after the	16
	commencement.	17
<b>Clause 12</b>	<b>Amendment of sch 2 (Dictionary)</b>	18
	(1) Schedule 2, definition <i>eligible person</i> , paragraph (b), after	19
	‘part 2’—	20
	<i>insert—</i>	21
	and chapter 6, part 2	22
	(2) Schedule 2, definition <i>eligible person</i> , paragraph (c)—	23
	<i>omit.</i>	24